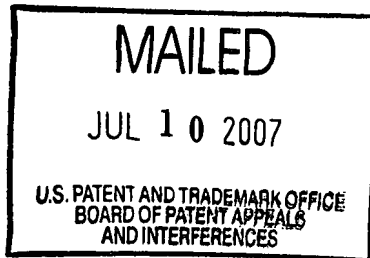


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte: JEFFREY G. NOWLIN,  
SCOTT J. SMITH and FRED C. CASTO

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Application No. 10/028,888

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on June 8, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

**AMENDMENT**

Appellant filed an Amendment concurrently with the Appeal Brief on July 1, 2004.

**EXAMINER'S ANSWER**

An Examiner's Answer was mailed October 26, 2004, in response to the Appeal Brief filed July 1, 2004. There is no indication in the record that the Examiner considered the Amendment filed July 1, 2004. Consideration and written acknowledgment is required.

Application No. 10/028,999

CONCLUSION

Accordingly, it is

Ordered that the application is returned to the Examiner

1) to vacate the Examiner's Answer mailed October 26, 2004;

2) to consider the Amendment filed concurrently with the Appeal Brief dated July 1, 2004;

3) issue and mail a Supplemental Examiner's Answer as per 37 CFR 1.192 (see MPEP, Section 1208, Eighth Ed. Revision 1); and

(4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
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PJN/dpv

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